

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan NORIEGA-Jimenez,

Defendant

Magistrate Docket No.

'08 MJ 1863

COMPLAINT FOR VIOLATION OF:

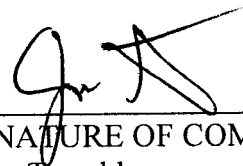
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

2008 JUN 17 AM 9:51

The undersigned complainant, being duly sworn, states:

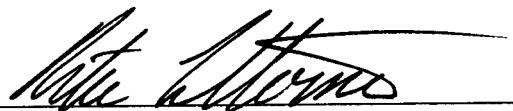
On or about **June 16, 2008** within the Southern District of California, defendant, **Juan NORIEGA-Jimenez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF JUNE, 2008



Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Juan NORIEGA-Jimenez****PROBABLE CAUSE STATEMENT**

On June 16, 2008, at approximately 12:15 AM, a Remote Video Surveillance System Operator relayed via service radio of a group of suspected undocumented aliens jumping over the United States / Mexico International Boundary Fence at an area known as "625." This area is approximately four and a half miles east of the San Ysidro, California Port of Entry and is ten yards north of the United States / Mexico International Border.

Border Patrol Agent Paniagua responded to the area and observed three suspected undocumented aliens climbing over the secondary border fence which is just north of the primary border fence. Agent Paniagua encountered one of the individuals while the other two individuals fled further north. As Agent Paniagua was placing the apprehended individual in his vehicle, he noticed two vehicles leaving the area, a van and a black Ford Focus. Due to the time of night, the fact that this area is notorious for load drivers picking up undocumented aliens, and the fact that two suspected undocumented aliens had just absconded from him, Agent Paniagua suspected that one or both of the vehicles had just picked up undocumented aliens. Agent Paniagua pursued the vehicles, in his Border Patrol vehicle and performed a vehicle stop on the Ford Focus. Agent Paniagua approached the vehicle and immediately identified himself as a United States Border Patrol Agent questioning each of the individuals as to their citizenship and immigration status. The passenger of the vehicle, later identified as the defendant **Juan NORIEGA-Jimenez**, admitted to being a citizen and national of Mexico not in possession of any documentation that would allow him to enter or remain in the United States legally. Agent Paniagua arrested the defendant at approximately 12:35 A.M., and transported him to the Imperial Beach Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 21, 2008** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights. The defendant stated that he understood his rights and was willing to answer questions without the presence of an attorney. The defendant admitted to being a citizen and national of Mexico not in possession of any documents that would allow him to enter or remain in the United States legally. The defendant also stated that he drove the van into the area that was used to pick up illegal aliens. He then was picked up by someone else after he put the van in position.